



Pillsbury  
Winthrop  
Shaw  
Pittman LLP

11682 Camino Real  
Suite 200  
San Diego, CA 92130-2092  
Tel 619.234.5000 | Fax 858.509.4010  
www.pillsburylaw.com

RECEIVED  
CENTRAL FAX CENTER

MAR 08 2006

# FACSIMILE

Total Pages (including cover): 11

Century City  
Houston  
London  
Los Angeles  
New York  
Northern Virginia  
Orange County  
Palo Alto  
Sacramento  
San Diego  
San Diego-North County  
San Francisco  
Silicon Valley  
Stamford  
Sydney  
Tokyo  
Washington DC

Date: March 8, 2006

Must Be Sent By:

To: Examiner L. Alexander

Fax No: (571) 273-8300

Company: USPTO, Art Unit 1743

Phone No: (571) 272-1254

Re: In re Patent Application of  
Inventor: Eggers  
Appln. No.: 10/007,355  
Filing Date: November 7, 2001  
Title: SAMPLE CARRIER

From: Anthony G. Smyth

Phone No: 858.509.4007

User No: 15636

C/M No: 083022-0272515

Comments:

Attachment(s):

Notice of Appeal; Pre-Appeal Brief Request for Review, and Fee Transmittal for the above-identified application.

## CONFIDENTIALITY NOTE:

The documents accompanying this facsimile transmission may contain confidential information which is legally privileged. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, or the person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in this transmission is strictly PROHIBITED. If you have received this transmission in error, please immediately notify us by telephone and mail the original transmission to us. Thank you.

## CERTIFICATION UNDER 37 C.F.R. §§ 1.8 and/or 1.10\*

(When using Express Mail, the Express Mail label number is mandatory; Express Mail certification is optional.)  
I hereby certify that, on the date shown below, this paper (along with any paper referred to as being attached or enclosed) is being facsimile transmitted to the Patent and Trademark Office, (571) 273-8300.

Signature

Date: March 8, 2006

SACHIKO Y. SNEDDEN

(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a parent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office in Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for parent term adjustment calculations.

If you have not properly received this fax, please call (619) 234-5000. Thank you.

Operator:

Time Sent:

Batch ID:

PTO/SB/21 (02-04)

Approved for use through 07/31/2005. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Application Number	10/007,395
Filing Date	11/07/2001
First Named Inventor	Michael D. Eggers
Art Unit	1743
Examiner Name	Alexander, Lyle
Attorney Docket Number	083022-0272515

**RECEIVED  
CENTRAL FAX CENTER****MAR 08 2006**

Total Number of Pages in This Submission

11

**ENCLOSURES (Check all that apply)**

- |  |  |   |
|--|--|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br><input type="checkbox"/> Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) | <input type="checkbox"/> After Allowance communication to Technology Center (TC)<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
|--|--|---|

Remarks

Notice of Appeal; Pre-Appeal Brief Request for Review; Fax Cover Sheet

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Anthony G. Smyth, Reg. No. 55,638 Pillsbury Winthrop Shaw Pittman LLP
Signature	<i>Anthony G. Smyth</i>
Date	March 8, 2006

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Sachiko Y. Snedden
-----------------------	--------------------

Signature

Date March 8, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

MAR 08 2006

PTO/SB/17 (12-04)

Approved for use through 07/31/2008. OMB 0851-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4318).

**FEE TRANSMITTAL  
for FY 2005**☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$) 250

**Complete if Known**

Application Number	10/007,355
Filing Date	November 7, 2001
First Named Inventor	MITCHELL D. EGGERS
Examiner Name	ALEXANDER, LYLE
Art Unit	1743
Attorney Docket No.	083022-0272515

**METHOD OF PAYMENT** (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account Deposit Account Number: 033975 Deposit Account Name: PILLSBURY WINTHROP SHAW PITTMAN LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayment of fees(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit Card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fee Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES****Fee Description**

Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent

Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent

Multiple dependent claims

Small Entity Fee (\$)	Fee (\$)
50	25
200	100
360	180

**Total Claims** - 20 or HP =            **Extra Claims**            **Fee (\$)**            **Fee Paid (\$)**           

HP = highest number of total claims paid for, if greater than 20

**Indep. Claims** - 3 or HP =            **Extra Claims**            **Fee (\$)**            **Fee Paid (\$)**           

HP = highest number of independent claims paid for, if greater than 3

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.18(s).

**Total Sheets** - 100 =            **Extra Sheets**            **Number of each additional 50 or fraction thereof**            **Fee (\$)**            **Fee Paid (\$)**           

(round up to a whole number) x 125.00 =

**4. OTHER FEE(S)**

Non-English Specification, 130 fee (no small entity discount)

Other, Notice of Appeal (Fee Code 2401)

250.00

<b>SUBMITTED BY</b>		<b>Registration No.</b>	<b>Telephone</b>
<b>Signature</b>	<u>Anthony Smyth</u>	<b>(Attorney/Agent)</b> 55636	858509.4007
<b>Name (Print/Type)</b>	Anthony Smyth	<b>Date</b>	March 8, 2006

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

MAR 08 2006

PTO/SB/17 (12-04)

Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
unless it displays a valid OMB control number.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act. 2005 (H.R. 4818). <b>FEE TRANSMITTAL for FY 2005</b>		<b>Complete if Known</b> Application Number <u>10/007,355</u> Filing Date <u>November 7, 2001</u> First Named Inventor <u>MITCHELL D. EGGERS</u> Examiner Name <u>ALEXANDER, LYLE</u> Art Unit <u>1743</u> Attorney Docket No. <u>083022-0272515</u>	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27			
TOTAL AMOUNT OF PAYMENT (\$ <u>250</u> )			

<b>METHOD OF PAYMENT</b> (check all that apply)	
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): <u>PILLSBURY WINTHROP SHAW</u>	
<input checked="" type="checkbox"/> Deposit Account <u>033975</u> Deposit Account Name: <u>PITTMAN LLP</u>	
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input checked="" type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee	
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fees(s) under 37 CFR 1.16 and 1.17 <input checked="" type="checkbox"/> Credit any overpayments	
WARNING: Information on this form may become public. Credit Card information should not be included on this form. Provide credit card information and authorization on PTO-2035.	

<b>FEE CALCULATION</b>							
<b>1. BASIC FILING, SEARCH, AND EXAMINATION FEES</b>							
Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fee Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	
							<b>Small Entity</b> Fee (\$) 50 25 200 100 360 180
<b>2. EXCESS CLAIM FEES</b>							
Fee Description Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent Multiple dependent claims							Fee (\$) 50 25 200 100 360 180
Total Claims - 20 or HP = <u>X</u> Fee (\$) HP = highest number of total claims paid for, if greater than 20 Indep. Claims - 3 or HP = <u>X</u> Fee (\$) HP = highest number of independent claims paid for, if greater than 3							Fee Paid (\$) Fee Paid (\$) Fee Paid (\$) Fee Paid (\$)
<b>3. APPLICATION SIZE FEE</b>							
If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(e)(1)(G) and 37 CFR 1.18(s).							
Total Sheets - 100 = <u>150</u> Extra Sheets /50= <u>3</u> Number of each additional 50 or fraction thereof (round up to a whole number) x <u>125.00</u> =							Fee Paid (\$) Fee Paid (\$) Fee Paid (\$) Fee Paid (\$)
<b>4. OTHER FEE(S)</b>							
Non-English Specification, 130 fee (no small entity discount)							Fee Paid (\$) Fee Paid (\$) Fee Paid (\$) Fee Paid (\$)
Other: <u>Notice of Appeal (Fee Code 2401)</u>							Fee Paid (\$) Fee Paid (\$) Fee Paid (\$) Fee Paid (\$)

<b>SUBMITTED BY</b>		<b>Registration No.</b>		<b>Telephone</b>	
Signature <u>Anthony Smyth</u>		(Attorney/Agent) <u>55636</u>		<u>858509.4007</u>	
Name (Print/Type) <u>Anthony Smyth</u>				Date <u>March 8, 2006</u>	

This collection of information is required by 37 CFR 1.138. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.